

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DANIEL J. AUDETT,  
Plaintiff,

v.

MARK SELING *et al.*,  
Defendants.

Case No. C04-5497RJB

SECOND ORDER STAYING  
ACTION

This 42 U.S.C. § 1983 Civil Rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B) and Local Magistrates' Rules MJR 1, MJR 3, and MJR 4. Defendants have filed a motion to dismiss. (Dkt # 9). Plaintiff asked for a lengthy extension of time, until from March until May to respond. (Dkt. # 11). That extension was granted.

Plaintiff now requests another 90 day stay of this action. As before, plaintiff indicates he is experiencing severe medical problems relating to a hip replacement and infections. (Dkt. # 14).

Defendants do not oppose the extension of time but ask the court to consider that an identical case has been dismissed.

As before the court will stay this action.

The court has considered the entire file and it is hereby ORDERED:

ORDER - 1

1. Plaintiff's motion for an extension of time is **GRANTED**.
2. This action is stayed until **September 16<sup>th</sup>, 2005**.
3. Plaintiff will file no pleading other than a response to defendants motion during the stay and will not engage in discovery while the case is stayed.
4. Defendants reply to plaintiff's response will be due on or before **September 23<sup>rd</sup>, 2005**.
5. The clerk is directed to re-note docket entry 9 for **September 30<sup>th</sup>, 2005** send copies of this order to plaintiff and counsel for defendants, and remove docket entry 14 from the court's calendar.

DATED this 14<sup>th</sup> day of June, 2005.

/S/ J. Kelley Arnold  
J. Kelley Arnold  
United States Magistrate Judge